

Exhibit D

SUPREME COURT OF THE STATE OF NEW YORK

NEW YORK COUNTY

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KEVIN BARNES,

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:

Plaintiff,

:

Index No.: 652580/2022

:

- against -

:

ATTORNEY AFFIRMATION

:

CARSON BLOCK and MUDDY WATERS, LLC.

:

:

Defendants.

:

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Evan Fried, attorney of Slarskey LLC, and an attorney admitted and in good standing to practice before the Courts of the State of New York, hereby affirms under penalties of perjury:

1. We are counsel to Plaintiff Kevin Barnes in this action. This affirmation sets forth in detail the measures we have taken to complete service upon Defendants Carson Block (“Block”) and Muddy Waters, LLC (“MW”) on the Summons with Notice previously filed in this action on July 25, 2022. (Doc. [1](#).)
2. According to our client, Block, as a general matter, does not permit his counsel to accept service on his or MW’s behalf. Rather, he forces adversaries to serve him personally—deliberately making it difficult for service to be consummated. This has been our experience.
3. On March 30, 2022, we sent an initial correspondence to Defendants concerning the dispute at issue in the above-referenced action.
4. On April 8, 2022, William Burck of Quinn Emmanuel Urquhart & Sullivan, LLP responded on behalf of Carson Block and notified us that he was counsel to Mr. Block.
5. On April 11, 2022, in two separate emails, Burck stated he was not authorized to accept service on behalf of Block of papers.

6. On July 22, 2022, prior to filing the Summons with Notice, we notified Burck that we would be filing this action on Monday, July 25, 2022. Burck responded the same day, informing us now that he did not represent Block, but that he was able to forward correspondence to Block.

7. Beginning on July 23, 2022, the process server attempted to serve both Block and MW at the Muddy Waters Capital, LLC (“MWC”) office at 714 Congress Avenue, Suite 200, Austin, Texas. Krista DeLuca, Block’s personal assistant, informed the process server that there was no one present at the MWC office that week, despite MWC subsequently releasing a 33-page activist report regarding Sunrun Inc. on July 28, 2022. Accordingly, the process server served MW through MW’s registered agent in Nevada, where MW is organized, on July 29, 2022.

8. The following week, on Monday, August 1, 2022, the process server again made contact with Ms. DeLuca. It is our understanding the Ms. DeLuca stated she was still not back at the office, despite MWC’s releasing the Sunrun Inc. report discussed above.

9. Beginning on August 2, 2022, however, Ms. DeLuca ceased answering the process server’s calls. The process server visited the MW office twice on August 2, 2022, but was unable to gain access to the office or serve anyone. The process server indicated to us that, in their professional experience, Block was being evasive.

10. On August 5, 2022, the process server again attempted to serve Block at the MWC office, but yet again could not gain access to the office or serve anyone.

11. Unsuccessful in serving Block at his current place of business, we then conducted due diligence into Block’s current personal residence. Block’s residential address was not easily identifiable because his residence is held by a Delaware LLC, [REDACTED] We ultimately located Block’s residential address at [REDACTED] based on the Deed of Trust he personally executed on June 10, 2021 for a mortgage.

12. The process server made multiple attempts to server Block at his residence.

13. On August 10, 2022, the process server attempted service at the [REDACTED] address. Though there was a dog in the house, and two luxury cars present at the house, no one answered the door. Block's next-door neighbor verified that Block in fact resided at [REDACTED] and that those were his (and his wife's) cars present at the house. According to the process server, the dog was acting as though someone was inside in the house. The process server left a business card.

14. On August 11, 2022, the process server again visited Block's home. A blue Porsche SUV, registered to Block, was driving down the street. When the driver (a woman) saw the process server, she drove passed Block's home in an evasive manner. The process server knocked on the door, but no one answered, despite there being two luxury cars in the driveway (registered to Block) and a dog home. Again, the dog acted as though someone was inside the house. Notably, the process server's business card (left the day before) was gone.

15. On August 16, 2022, the server completed service by posting the served documents at Block's residence and mailing them.

16. In sum, our process server has attempted numerous times to serve Block and MW at both the place of business and at Block's residence, but Block has obviously attempted to avoid service apparently in concert with his co-resident wife and personal assistant.

New York, NY
Dated: August 19, 2022

/s/ Evan Fried
Evan Fried